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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 UNITED STATES OF AMERICA,

No. C 06-04942 SI

9 Plaintiff,

**ORDER RE: DISCOVERY**

10 v.

11 KATHERINE KRUSS, LARRY O'CONNOR  
12 AND JOHN D. BAILEY,

13 Defendants.  
14 \_\_\_\_\_/

15 Via letter brief, defendant Katherine Kruss requests an extension of the discovery cut-off date.  
16 For the following reasons, the Court GRANTS IN PART Kruss' request.

17 The discovery cut-off date in this case was September 4, 2007. On August 13, 2007, Kruss  
18 served several discovery requests, including: (1) a notice of deposition on defendant Larry O'Connor,  
19 scheduling the deposition for September 5, 2007; (2) a set of interrogatories directed at O'Connor; and  
20 (3) a request for production of documents directed at O'Connor. O'Connor's responses to the  
21 interrogatories and document requests were due September 15, 2007.


22 On August 31, 2007, O'Connor informed Kruss that the requested discovery, including the  
23 scheduled deposition, fell beyond the Court-established discovery cut-off, and as such, was not  
24 enforceable under Civil Local Rule 26-2. Accordingly, O'Connor's deposition was not taken, and Kruss  
25 subsequently filed the instant letter brief, seeking an extension of the discovery period to allow  
26 completion of the discovery she sought from O'Connor.

27 The parties have apparently been engaged in heavy settlement discussions, and consequently,  
28 discovery has proceeded at an uneven pace. Furthermore, counsel did not promptly meet and confer

1 once it became apparent that the discovery at issue would extend past the discovery cut-off. As such,  
2 Kruss has exhibited some justification for failing to complete discovery within the discovery period.  
3 The Court will therefore allow Kruss to depose O'Connor for four hours, on a mutually agreeable date  
4 prior to the further settlement conference currently scheduled for September 27, 2007. The Court  
5 DENIES, however, Kruss' request to compel responses to the interrogatories and document requests due  
6 on September 15, 2007. The due date for those requests simply falls too far beyond the discovery cut-  
7 off date to find justification.

8 **IT IS SO ORDERED.**

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10 Dated: September 17, 2007

  
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SUSAN ILLSTON  
United States District Judge